

# Exhibit 9

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UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CASE NO. 3:21-CV-03302-MBS-TJH-RMG  
-----x  
THE SOUTH CAROLINA CONFERENCE OF THE  
NAACP, et al,  
Plaintiffs,  
-against-  
THOMAS C. ALEXANDER, et al,  
Defendants.  
-----x  
July 21, 2022  
9:30 a.m.

ZOOM VIRTUAL CONFERENCE  
VIDEOCONFERENCE Examination  
Before Trial of SEAN PATRICK TRENDE, taken  
by the Defendants, via Zoom Technology,  
pursuant to Notice, held before R. Bobbie  
Levy, a Certified Shorthand Reporter and  
Notary Public of the State of New York.

<p style="text-align: right;">Page 86</p> <p>1 S. Trende</p> <p>2 plan refers to the previous map in effect</p> <p>3 from 2012 to 2020.</p> <p>4 Q Where did you you get the data</p> <p>5 in your report that you present about the</p> <p>6 enacted map?</p> <p>7 A I likely would have gotten that</p> <p>8 from redistricting data hub.</p> <p>9 Q Where is that source?</p> <p>10 A The Redistricting Data Hub is an</p> <p>11 online repository of redistricting</p> <p>12 materials collected by academics and</p> <p>13 experts in the field. And that's relied</p> <p>14 upon in redistricting matters.</p> <p>15 We utilized it as a source for</p> <p>16 matters for material in the Arizona</p> <p>17 legislative case. And I have used it in</p> <p>18 multiple matters since.</p> <p>19 Q Where did you get the data</p> <p>20 presented in your report about the</p> <p>21 benchmark map?</p> <p>22 A I believe it comes from the same</p> <p>23 source.</p> <p>24 Q So in these opinions you are</p> <p>25 comparing the enacted plan to the</p>	<p style="text-align: right;">Page 88</p> <p>1 S. Trende</p> <p>2 Q For example, did you consider</p> <p>3 any of the draft plans which the South</p> <p>4 Carolina State House legislative staff</p> <p>5 developed?</p> <p>6 A I did not.</p> <p>7 Q Did you consider, in particular</p> <p>8 example, the House staff plan that was</p> <p>9 released on December 13, 2021, are you</p> <p>10 familiar with that plan?</p> <p>11 A I am not.</p> <p>12 Q Let me see if you have seen this</p> <p>13 before.</p> <p>14 MR. FREEDMAN: This is tab 24.1.</p> <p>15 And we will produce it as Exhibit 7.</p> <p>16 (Whereupon, Congressional House</p> <p>17 Staff Map was marked as Exhibit 7 for</p> <p>18 identification, as of this date.)</p> <p>19 A Just to make sure we are on the</p> <p>20 same page, this is labeled Cong. House</p> <p>21 Staff Map and then Congressional House</p> <p>22 Staff Plan when you open it?</p> <p>23 Q Yes.</p> <p>24 A Okay.</p> <p>25 Q Had you seen this plan before it</p>
<p style="text-align: right;">Page 87</p> <p>1 S. Trende</p> <p>2 benchmark plan. Why is that? Why is that</p> <p>3 the sole basis for comparison in your</p> <p>4 report?</p> <p>5 A Because it's what I was asked to</p> <p>6 compare.</p> <p>7 Q In rendering your opinions did</p> <p>8 you consider any other plans besides the</p> <p>9 enacted plan and the benchmark plan, the</p> <p>10 enacted map and the benchmark plan?</p> <p>11 A There's a history of maps prior</p> <p>12 to the benchmark plan that are provided</p> <p>13 in the report.</p> <p>14 Q Well, for example, maybe my</p> <p>15 question wasn't clear. In rendering your</p> <p>16 opinions did you consider any of the other</p> <p>17 plans that were submitted or considered</p> <p>18 during the legislative process?</p> <p>19 A So to make sure we are on the</p> <p>20 same page, you are asking about</p> <p>21 alternative plans to the plan that was</p> <p>22 potentially enacted?</p> <p>23 Q Yes. Did you consider any of</p> <p>24 those alternatives?</p> <p>25 A I did not.</p>	<p style="text-align: right;">Page 89</p> <p>1 S. Trende</p> <p>2 was sent to you earlier this week?</p> <p>3 A No.</p> <p>4 Q Okay. I want to start with in</p> <p>5 your summary of opinions, your third</p> <p>6 opinion which is the second bullet on page</p> <p>7 7. The one that says:</p> <p>8 "The enacted map retains high</p> <p>9 percentages of the cores of all of the</p> <p>10 benchmark districts. Those percentages</p> <p>11 range from 82.84 percent in District 1 to</p> <p>12 99.96 percent in District 7. And five</p> <p>13 districts retain more than 94 percent of</p> <p>14 their cores."</p> <p>15 What do you mean by core</p> <p>16 retention?</p> <p>17 A I believe it's specified later</p> <p>18 in the map but it is the percentage of</p> <p>19 the old district that is contained in the</p> <p>20 new district. In terms of population.</p> <p>21 Q And how did you assess the level</p> <p>22 of core retention between the enacted map</p> <p>23 and the benchmark plan?</p> <p>24 A I believe I projected the</p> <p>25 Congressional maps down to a shape file</p>

<p style="text-align: right;">Page 90</p> <p>1 S. Trende</p> <p>2 of the blocks or how the blocks were</p> <p>3 assigned. I believe this is all included</p> <p>4 in the R code that I provided. R is just</p> <p>5 the letter R.</p> <p>6 After that so that, you know,</p> <p>7 the shape file is basically a spreadsheet</p> <p>8 with some special geographic data in the</p> <p>9 file column.</p> <p>10 But you create a line in the</p> <p>11 shape file; you have the shape file of</p> <p>12 the blocks with the populations. You</p> <p>13 create a line in the shape file for each</p> <p>14 of the blocks for what district they were</p> <p>15 assigned to previously.</p> <p>16 You create a line in the shape</p> <p>17 file for each district they are assigned</p> <p>18 to under the new map.</p> <p>19 And then you can direct R to</p> <p>20 look at the differences, you know, of the</p> <p>21 total population in District 1, how much,</p> <p>22 you take the total population of District</p> <p>23 1, you take the total population of</p> <p>24 District 1 where the old assignment</p> <p>25 matches the new assignment. Divide them</p>	<p style="text-align: right;">Page 92</p> <p>1 S. Trende</p> <p>2 yourself up for this line of inquiry.</p> <p>3 And it's kind of like the question, when</p> <p>4 does stubble become a beard? I don't</p> <p>5 know exactly but I know that Rutherford</p> <p>6 B. Hayes had a beard.</p> <p>7 And I know that if 99.96 core</p> <p>8 retention isn't high, then the word high</p> <p>9 has no meaning. To me, 82.84 is also</p> <p>10 high. But if someone wanted to quibble</p> <p>11 about that, I suppose we could.</p> <p>12 Q Your report emphasizes 94</p> <p>13 percent. And is that, I mean should we</p> <p>14 take that to mean that's what you consider</p> <p>15 to be a high core retention percentage?</p> <p>16 A No.</p> <p>17 Q Are you aware of any</p> <p>18 peer-reviewed literature that talks about</p> <p>19 what a high core percentage, core</p> <p>20 retention percentage is?</p> <p>21 A No.</p> <p>22 Q Is there any peer review</p> <p>23 literature that you are aware of that sets</p> <p>24 a standard for what a high core retention</p> <p>25 rate is?</p>
<p style="text-align: right;">Page 91</p> <p>1 S. Trende</p> <p>2 and they give you percentages.</p> <p>3 THE WITNESS: Is now an okay</p> <p>4 time to take a break for five minutes?</p> <p>5 My son just came home and is looking</p> <p>6 for something.</p> <p>7 THE VIDEOGRAPHER: The time is</p> <p>8 11:50 and we are going off the record.</p> <p>9 This is the end of media unit number</p> <p>10 2.</p> <p>11 (Recess taken: 11:50)</p> <p>12 THE VIDEOGRAPHER: The time is</p> <p>13 11:59 and we are back on the record.</p> <p>14 This is the beginning of media unit</p> <p>15 number 3.</p> <p>16 Q Mr. Trende, when we were just</p> <p>17 before the break I was asking you about</p> <p>18 the, your Summary of Conclusion, the third</p> <p>19 bullet regarding core retention. And I</p> <p>20 guess another baseline question: What do</p> <p>21 you consider to be a high core retention</p> <p>22 percentage?</p> <p>23 A Yeah. I read that in</p> <p>24 Dr. Ragusa's report. And I guess any</p> <p>25 time you use an adjective you open</p>	<p style="text-align: right;">Page 93</p> <p>1 S. Trende</p> <p>2 A No.</p> <p>3 MR. FREEDMAN: If you could turn</p> <p>4 to the document tabbed 32, and I will</p> <p>5 introduce this as Exhibit 8.</p> <p>6 (Whereupon, 2021 South Carolina</p> <p>7 House Redistricting Guidelines was</p> <p>8 marked as Exhibit 8 for</p> <p>9 identification, as of this date.)</p> <p>10 (Pause)</p> <p>11 Q Have you seen this document</p> <p>12 before?</p> <p>13 A Yes.</p> <p>14 Q What is it?</p> <p>15 A It is the South Carolina House</p> <p>16 of Representatives Judiciary Committee</p> <p>17 Redistricting Ad Hoc Committee 2021</p> <p>18 guidelines and criteria for Congressional</p> <p>19 and legislative redistricting.</p> <p>20 Q You had listed this in your list</p> <p>21 of materials considered on page 7 as</p> <p>22 something that you considered in rendering</p> <p>23 the opinions in your report, correct?</p> <p>24 A Yes.</p> <p>25 Q What's your understanding of the</p>

<p style="text-align: right;">Page 94</p> <p>1 S. Trende</p> <p>2 significance of the guidelines?</p> <p>3 A My understanding is that they</p> <p>4 were criteria set forth by the committee</p> <p>5 to guide how the districts would be</p> <p>6 drawn.</p> <p>7 Q Is it fair to say that they are</p> <p>8 the criteria that the South Carolina House</p> <p>9 of Representatives would use in creating</p> <p>10 the Congressional districts?</p> <p>11 A I don't know if that's a perfect</p> <p>12 rephrase of what I just said. I don't</p> <p>13 know if they were intended to be an</p> <p>14 exclusive list but they are certainly the</p> <p>15 guidelines that they would use for</p> <p>16 assessing redistricting efforts.</p> <p>17 Q Do the House guidelines identify</p> <p>18 core retention as a criteria that was to</p> <p>19 be used in creating Congressional</p> <p>20 districts?</p> <p>21 A It's not specifically listed,</p> <p>22 although that's certainly part of</p> <p>23 incumbency consideration.</p> <p>24 Q Does this document use the word</p> <p>25 core?</p>	<p style="text-align: right;">Page 96</p> <p>1 S. Trende</p> <p>2 the general assembly."</p> <p>3 What are you referring to when</p> <p>4 you refer to this Court's decisions?</p> <p>5 A Probably the Colleton County in</p> <p>6 Backus opinions.</p> <p>7 Q Is there anything in Backus that</p> <p>8 talks about core retention?</p> <p>9 A I don't remember off the top of</p> <p>10 my head.</p> <p>11 Q Okay. If you could turn the</p> <p>12 page to, let's talk about table 3 for a</p> <p>13 bit. Table 3 is at the top of page 18 and</p> <p>14 my first question is what is this table?</p> <p>15 A This is a summary of the</p> <p>16 population of districts that are retained</p> <p>17 in the succeeding district with the same</p> <p>18 number.</p> <p>19 Q Okay. And what's it intended to</p> <p>20 present?</p> <p>21 A The population of districts that</p> <p>22 are retained in the succeeding districts</p> <p>23 with the same number.</p> <p>24 Q You don't set a source for the</p> <p>25 information presented in this table, do</p>
<p style="text-align: right;">Page 95</p> <p>1 S. Trende</p> <p>2 A No. The word core is not</p> <p>3 contained in the document.</p> <p>4 Q Does the document use the word</p> <p>5 retention?</p> <p>6 A No, it does not use the word</p> <p>7 retention.</p> <p>8 Q In your report, we can go back</p> <p>9 to your report. Your actual analysis on</p> <p>10 this, let's just go down, it starts at</p> <p>11 page 17. And at the bottom of page 17 let</p> <p>12 me know when you are there.</p> <p>13 (Pause)</p> <p>14 A I'm here.</p> <p>15 Q You write: "Table 2 gives the</p> <p>16 core retention statistics for the State's</p> <p>17 Congressional district."</p> <p>18 First question, when you refer</p> <p>19 to table 2 there, is that a typo, did you</p> <p>20 mean to refer to table 3?</p> <p>21 A Yes.</p> <p>22 Q Okay. And then you go on to</p> <p>23 write: "Core retention is identified in</p> <p>24 this Court's decisions and the</p> <p>25 redistricting guidelines promulgated by</p>	<p style="text-align: right;">Page 97</p> <p>1 S. Trende</p> <p>2 you?</p> <p>3 A No. It would be taken from the</p> <p>4 shape files described above. And</p> <p>5 processes in the R code that was</p> <p>6 provided.</p> <p>7 Q So just walk me through that.</p> <p>8 Where is this, where are these numbers</p> <p>9 coming from?</p> <p>10 A They are taken from the shape</p> <p>11 files from the Redistricting Data Hub</p> <p>12 that have the census data for each block.</p> <p>13 And then processed in R.</p> <p>14 Q Okay. And what was the</p> <p>15 processing that happened in R?</p> <p>16 A I believe I described the</p> <p>17 process before. But the process, as I</p> <p>18 recall it, is to take the assignment of</p> <p>19 each block to districts and create a</p> <p>20 column that has the district.</p> <p>21 Create another column that has</p> <p>22 the old district which each block is</p> <p>23 assigned. And then you can command R to</p> <p>24 summarize the total population of each</p> <p>25 district as it existed.</p>

25 (Pages 94 - 97)

<p style="text-align: right;">Page 98</p> <p>1 S. Trende</p> <p>2 And then summarize the total</p> <p>3 population of each district where the two</p> <p>4 columns match. So where block 1 was</p> <p>5 assigned block 1 in both maps.</p> <p>6 And that tells you, that's, the</p> <p>7 latter is your numerator. The former is</p> <p>8 your denominator. And it tells you what</p> <p>9 core population retention is.</p> <p>10 Q Now, according to your table 3,</p> <p>11 you are saying the core retention for</p> <p>12 District 6 was 87.55 percent, right?</p> <p>13 A The core population retention,</p> <p>14 correct.</p> <p>15 Q And you got the number from the</p> <p>16 shape files and in processing it through R</p> <p>17 in the way you just described, right?</p> <p>18 A Correct.</p> <p>19 Q And you are also saying that the</p> <p>20 core population retention for District 1</p> <p>21 is 82.84 percent, correct?</p> <p>22 A Correct.</p> <p>23 Q I want to show show you, if you</p> <p>24 could turn to the document tab 27.</p> <p>25 (Pause)</p>	<p style="text-align: right;">Page 100</p> <p>1 S. Trende</p> <p>2 District 6, do you see that the fourth</p> <p>3 line presents the core constituency</p> <p>4 calculation for District 6?</p> <p>5 A That's correct.</p> <p>6 Q And this says that the core</p> <p>7 constituency calculation for District 6 is</p> <p>8 77.41 percent. Do you see that?</p> <p>9 A Correct.</p> <p>10 Q And you calculated the core</p> <p>11 population retention for District 6 as</p> <p>12 87.55 percent, right?</p> <p>13 A Correct.</p> <p>14 Q And you would agree that the</p> <p>15 difference between 77.41 percent and 87.55</p> <p>16 percent is a big number, right?</p> <p>17 A It's about 10 percentage points.</p> <p>18 Q For District 6 that corresponds</p> <p>19 to about 75,000 people, right?</p> <p>20 A 73,120.</p> <p>21 Q So do you have any explanation</p> <p>22 for why the House calculated the core</p> <p>23 constituency for District 6 at 77.4</p> <p>24 percent, I'm sorry, 77.41 percent; and you</p> <p>25 calculated the core population retention</p>
<p style="text-align: right;">Page 99</p> <p>1 S. Trende</p> <p>2 MR. FREEDMAN: And we will</p> <p>3 introduce this as Exhibit 9.</p> <p>4 (Whereupon, House Core</p> <p>5 Constituency Analysis was marked as</p> <p>6 Exhibit 9 for identification, as of</p> <p>7 this date.)</p> <p>8 Q Have you seen this document</p> <p>9 before?</p> <p>10 A Yes.</p> <p>11 Q In what context?</p> <p>12 A I believe it's available on the</p> <p>13 website, the redistricting committee</p> <p>14 website. And then when you provided it</p> <p>15 during a couple of days ago.</p> <p>16 Q Okay. Did you consider this in</p> <p>17 rendering your opinions in this case?</p> <p>18 A No.</p> <p>19 Q If you scroll down to the second</p> <p>20 page, I want to look at the, this is the</p> <p>21 core just so the record is clear, this is</p> <p>22 the core constituency's analysis that was</p> <p>23 available on the House plan redistricting</p> <p>24 website.</p> <p>25 If you look at the analysis of</p>	<p style="text-align: right;">Page 101</p> <p>1 S. Trende</p> <p>2 at 87.55 percent?</p> <p>3 A Yes.</p> <p>4 Q Okay, explain that to me.</p> <p>5 A Well, there's a different way</p> <p>6 that you can calculate it and that is</p> <p>7 what the House did.</p> <p>8 They are looking at the new</p> <p>9 district, as you can see on each of these</p> <p>10 pages, the total population of the</p> <p>11 district, which is their denominator</p> <p>12 731,203 or 731,204. That's a different</p> <p>13 process than the process I described.</p> <p>14 Which is taking the population</p> <p>15 of the old district and seeing how much</p> <p>16 of it stayed in the new district. My</p> <p>17 denominator would be the population of</p> <p>18 the old district.</p> <p>19 Q Is there a reason why your way</p> <p>20 of calculating the core population</p> <p>21 retention rate is better than what the</p> <p>22 House did?</p> <p>23 A Not intrinsically. But --</p> <p>24 Q This --</p> <p>25 A But since District 6 had to gain</p>

<p style="text-align: right;">Page 102</p> <p>1 S. Trende</p> <p>2 population, it's going to have a smaller</p> <p>3 denominator.</p> <p>4 Q The 77.41 percent calculation,</p> <p>5 is a valid calculation of core</p> <p>6 constituency, right?</p> <p>7 A Right. But like I said, it's</p> <p>8 not intrinsically better. It giveth and</p> <p>9 it taketh away. If you look at the old</p> <p>10 District 1 where the district had shed</p> <p>11 population, it shows a much higher rate</p> <p>12 of core retention than I had calculated.</p> <p>13 So it really is just two</p> <p>14 different ways of looking at the concept</p> <p>15 of core retention.</p> <p>16 Q Okay. Fair enough. Let's take</p> <p>17 a look at how the Senate calculated it.</p> <p>18 If you could turn to tab 30.</p> <p>19 (Pause)</p> <p>20 A Okay.</p> <p>21 MR. FREEDMAN: And we will</p> <p>22 introduce this as Exhibit 10. In a</p> <p>23 second.</p> <p>24 (Whereupon, Senate core</p> <p>25 constituency analysis labeled tab</p>	<p style="text-align: right;">Page 104</p> <p>1 S. Trende</p> <p>2 A It is not in table 3, no.</p> <p>3 Q Is there a reason why you didn't</p> <p>4 present the racial demographics of your</p> <p>5 core constituency analysis?</p> <p>6 A No, because the table is core</p> <p>7 population retention overall.</p> <p>8 Q Did you analyze the racial</p> <p>9 demographics of the core retention?</p> <p>10 A I believe later on I looked at</p> <p>11 the demographics of the precincts that</p> <p>12 were moved back and forth. But not in</p> <p>13 terms of racial core retention, no.</p> <p>14 Q You didn't look at it on an</p> <p>15 aggregated basis to see what the overall</p> <p>16 retention for the district was, right?</p> <p>17 A I believe that's correct.</p> <p>18 Q Were you instructed not to look</p> <p>19 at the racial demographics of the core</p> <p>20 constituency --</p> <p>21 A I was not.</p> <p>22 Q -- done at this time? Just</p> <p>23 looking at, we can stick with the Senate</p> <p>24 analysis. We can talk about District 1,</p> <p>25 since you raised that earlier.</p>
<p style="text-align: right;">Page 103</p> <p>1 S. Trende</p> <p>2 30was marked as Exhibit 10 for</p> <p>3 identification, as of this date.)</p> <p>4 Q Exhibit 10 is the same analysis</p> <p>5 of the enacted plan published on the</p> <p>6 Senate website. Have you seen this</p> <p>7 before?</p> <p>8 A Yes.</p> <p>9 Q And if you scroll down to page 2</p> <p>10 and look at the core constituency for</p> <p>11 District 6, you see that the Senate also</p> <p>12 calculates the core constituency for</p> <p>13 District 6 as 77.41 percent. Do you see</p> <p>14 that?</p> <p>15 A Yes.</p> <p>16 Q The same as the House, right?</p> <p>17 A Correct.</p> <p>18 Q Going back to your table 3, you</p> <p>19 didn't present in your core population</p> <p>20 retention race demographic data. Correct?</p> <p>21 A Correct.</p> <p>22 Q You are not presenting how many</p> <p>23 voters of a particular race stayed in the</p> <p>24 district and how many got out of the</p> <p>25 district, right?</p>	<p style="text-align: right;">Page 105</p> <p>1 S. Trende</p> <p>2 You see that the Senate analyzes</p> <p>3 and says that District 1 core retention</p> <p>4 was 92.78 percent which is higher than</p> <p>5 what you presented in tab, tab 3, right?</p> <p>6 A Correct.</p> <p>7 Q And if you go across the columns</p> <p>8 do you see that it says, if you look at</p> <p>9 the NHWHT column, which is non-Hispanic</p> <p>10 whites, it says the percentage of white</p> <p>11 persons who stayed in District 1 was 94.52</p> <p>12 percent. Do you see that?</p> <p>13 A That's correct.</p> <p>14 Q And then you go over to the next</p> <p>15 column, the NHDOJ black, it says the</p> <p>16 percentage of black persons who stayed in</p> <p>17 District 1 was 84.46 percent. Do you see</p> <p>18 that?</p> <p>19 A That's correct.</p> <p>20 Q You can see from this chart that</p> <p>21 20,240 black people were moved from</p> <p>22 District 6 to District 1, right?</p> <p>23 A Correct.</p> <p>24 Q And if you scroll down to</p> <p>25 District 6, if you look at the same column</p>



<p style="text-align: right;">Page 114</p> <p>1 S. Trende</p> <p>2 that the Backus plaintiffs challenged any</p> <p>3 other district in the benchmark plan other</p> <p>4 than the Sixth Congressional district as</p> <p>5 racial gerrymandering?</p> <p>6 A Well, if you go to page 6,</p> <p>7 that's Dr. McDonald's analysis. Which</p> <p>8 doesn't that necessarily say what the</p> <p>9 legal theory was. I.</p> <p>10 F you, I believe Dr. Ragusa does</p> <p>11 an analysis of all the Congressional</p> <p>12 district boundaries in this case, even</p> <p>13 though to my understanding the challenge</p> <p>14 is limited to 2, 5, 6, and 1.</p> <p>15 If you go to the top on page, if</p> <p>16 you go to page 6, it says under Roman</p> <p>17 Numeral II: "Plaintiffs assert that the</p> <p>18 House plan and Congressional plan that</p> <p>19 violate the equal protection clause of</p> <p>20 the 14th amendment."</p> <p>21 Which read suggesting there was</p> <p>22 a broader claim. But maybe not.</p> <p>23 Q Right. Do you see anything else</p> <p>24 this decision suggesting that plaintiffs</p> <p>25 offered proof that any other district</p>	<p style="text-align: right;">Page 116</p> <p>1 S. Trende</p> <p>2 Q And those numbers are lower than</p> <p>3 most of the other districts in the plan,</p> <p>4 right?</p> <p>5 A That's correct.</p> <p>6 Q Okay. I want to turn to some of</p> <p>7 your other analysis in this section of the</p> <p>8 report and some of the maps you are</p> <p>9 talking about.</p> <p>10 If you could turn in your report</p> <p>11 to Exhibit 2 to the bottom of page 10,</p> <p>12 where you start your analysis preservation</p> <p>13 of district cores.</p> <p>14 (Pause)</p> <p>15 A Witness complies)</p> <p>16 Q And at the bottom of page 10 you</p> <p>17 write: "Despite significant changes to</p> <p>18 population, and the addition and</p> <p>19 subtraction of districts, South Carolina's</p> <p>20 district cores have remained surprisingly</p> <p>21 consistent over the past century." Do you</p> <p>22 see that?</p> <p>23 A Yes.</p> <p>24 Q I want to ask about some of the,</p> <p>25 some of that analysis. So why don't we</p>
<p style="text-align: right;">Page 115</p> <p>1 S. Trende</p> <p>2 besides the Sixth Congressional district</p> <p>3 constituted gerrymandering in the Backus</p> <p>4 case?</p> <p>5 A I don't.</p> <p>6 Q Now you would agree with me that</p> <p>7 the Sixth Congressional District and the</p> <p>8 enacted plan has at least 190,000</p> <p>9 different people in the Sixth</p> <p>10 Congressional district considering the</p> <p>11 Backus decision, right?</p> <p>12 A That's correct.</p> <p>13 Q I mean we discussed earlier that</p> <p>14 140,000 some people moved into District 6</p> <p>15 from District 1. And 52,000 people moved</p> <p>16 out of District 6 to District 1.</p> <p>17 A Right. Correct.</p> <p>18 Q And the core retention rate</p> <p>19 between the Sixth Congressional District</p> <p>20 considered in Backus and the Sixth</p> <p>21 Congressional District plan is only 87.55</p> <p>22 percent according to your analysis and</p> <p>23 77.41 according to the House and Senate</p> <p>24 analyses, right?</p> <p>25 A Those are the correct numbers.</p>	<p style="text-align: right;">Page 117</p> <p>1 S. Trende</p> <p>2 start where you do historically with the</p> <p>3 1902 map on page 10.</p> <p>4 A Okay.</p> <p>5 Q What's your purpose in</p> <p>6 presenting this map?</p> <p>7 A For me, I think it's interesting</p> <p>8 historical context of the maps in South</p> <p>9 Carolina. This isn't a state like</p> <p>10 Maryland, where the districts have kind</p> <p>11 of wandered all over the state as things</p> <p>12 have been drawn over time.</p> <p>13 Or a state like Ohio, where the</p> <p>14 districts from 100 years ago would</p> <p>15 largely be unrecognizable compared to</p> <p>16 what we have today.</p> <p>17 This is a state where if you</p> <p>18 look back 100 years ago, the third</p> <p>19 district was anchored around Anderson and</p> <p>20 northwestern South Carolina.</p> <p>21 And the Fourth District was</p> <p>22 anchored in Greenville and Spartanburg.</p> <p>23 You know, there are longstanding</p> <p>24 commonalities in a lot of these</p> <p>25 districts.</p>



<p style="text-align: right;">Page 118</p> <p>1 S. Trende</p> <p>2 Q I wanted to ask about a couple</p> <p>3 of pieces of your analysis when you are</p> <p>4 talking about the historical maps going</p> <p>5 back.</p> <p>6 First thing is, one of the</p> <p>7 observations you make is that this map in</p> <p>8 the 1902 map has, as you write it, a</p> <p>9 district that was anchored in Beaufort</p> <p>10 County and the counties along the Georgia</p> <p>11 border. What did you mean by that?</p> <p>12 A Where are we?</p> <p>13 Q I'm reading at the bottom of</p> <p>14 page 10. About the map on page 11.</p> <p>15 A I see. The second, is it</p> <p>16 Beaufort or Beaufort? Whatever.</p> <p>17 B-e-a-u-f-o-r-t is the population center</p> <p>18 where the second went in the 1902</p> <p>19 district went before stretching up along</p> <p>20 the South Carolina/Georgia border, which</p> <p>21 says now it's pretty rural.</p> <p>22 Q And Beaufort County in the 1902</p> <p>23 map was in a different Congressional</p> <p>24 district than Charleston County, right?</p> <p>25 A That's right.</p>	<p style="text-align: right;">Page 120</p> <p>1 S. Trende</p> <p>2 were, would be completely unrecognizable</p> <p>3 to someone who time hopped from 1932 to</p> <p>4 2011. And that's just not the case here.</p> <p>5 Q And again looking at this map,</p> <p>6 this is consistent with the last map. The</p> <p>7 city of Charleston is kept together in a</p> <p>8 single Congressional district, right?</p> <p>9 A That's correct.</p> <p>10 Q It's the center of District 1,</p> <p>11 right?</p> <p>12 A That's correct.</p> <p>13 Q Now just, I want to make sure.</p> <p>14 You have got, you know, two maps that are,</p> <p>15 the first two maps presented here. I just</p> <p>16 wanted to get your understanding as to the</p> <p>17 basis of why they're relevant today. I</p> <p>18 mean you are aware that the maps, the 1902</p> <p>19 map, the 1932 map, are maps that were</p> <p>20 adopted in the Jim Crow era?</p> <p>21 A That's right.</p> <p>22 Q And these maps were also adopted</p> <p>23 before the equal population requirement</p> <p>24 for Banker v. Carr, right?</p> <p>25 A That's correct.</p>
<p style="text-align: right;">Page 119</p> <p>1 S. Trende</p> <p>2 Q And again, historically</p> <p>3 speaking, if we go back a century the City</p> <p>4 of Charleston was kept together in a</p> <p>5 single Congressional district?</p> <p>6 A That's correct.</p> <p>7 Q As you write going back to the</p> <p>8 early 1900s, the district, the first</p> <p>9 district was anchored in Charleston,</p> <p>10 right?</p> <p>11 A That's correct.</p> <p>12 Q Okay. I want to move forward to</p> <p>13 the 1932 map. On page 12 of your report.</p> <p>14 And my question is again, sort of based on</p> <p>15 the question, what are you trying to</p> <p>16 present with this map? What's your</p> <p>17 purpose presenting this map?</p> <p>18 A The same as before. To give</p> <p>19 historical context how districts have</p> <p>20 been drawn in South Carolina, as opposed</p> <p>21 to a state like Maryland where they have</p> <p>22 really wandered all over the place.</p> <p>23 Or say, Ohio, where they would</p> <p>24 be unrecognizable. Even like the old</p> <p>25 Pennsylvania maps before then struck down</p>	<p style="text-align: right;">Page 121</p> <p>1 S. Trende</p> <p>2 Q So considering those, would you</p> <p>3 explain to me why you think the 1902 and</p> <p>4 1932 maps are relevant to what we are</p> <p>5 considering? What the Courts should be</p> <p>6 considering?</p> <p>7 A Because they give interesting</p> <p>8 historical context to the way that maps</p> <p>9 have been drawn in South Carolina</p> <p>10 historically.</p> <p>11 This isn't a state like</p> <p>12 Maryland, where the lines have wandered</p> <p>13 all over the state. Or a state like</p> <p>14 Ohio, where the lines today would be</p> <p>15 completely unrecognizable compared to the</p> <p>16 very pretty lines we had and compact</p> <p>17 lines we had before.</p> <p>18 This isn't even a state like</p> <p>19 Pennsylvania, where the 2011 map, you</p> <p>20 know, was horrifyingly distorted compared</p> <p>21 to the pre-Baker maps.</p> <p>22 This is a map that the same</p> <p>23 basic cores or bases have been intact</p> <p>24 for, or have been similar for hundreds</p> <p>25 of years. And I think that's</p>

<p style="text-align: right;">Page 122</p> <p>1 S. Trende</p> <p>2 interesting context; perhaps the Court</p> <p>3 will disagree.</p> <p>4 Q Okay. Thank you. That was</p> <p>5 helpful. So just moving forward in your</p> <p>6 report, your next map you discuss is the</p> <p>7 1982 map. I want to ask.</p> <p>8 You don't include the first</p> <p>9 Apush Court, Baker v. Carr map, the map</p> <p>10 adopted in the early 1970s. Is there a</p> <p>11 reason why that map wasn't included in</p> <p>12 your report?</p> <p>13 A I think there's at least two</p> <p>14 maps. Because the first Baker map would</p> <p>15 have been, everyone would have had to</p> <p>16 redraw their lines I think, in 1966,</p> <p>17 except for the single member states.</p> <p>18 And it was just in the interest</p> <p>19 of keeping things moving along.</p> <p>20 Q Is there any reason to think</p> <p>21 that those maps would show different, you</p> <p>22 know, different alignment of the districts</p> <p>23 than what we have otherwise been looking</p> <p>24 at?</p> <p>25 A I don't think they did. And</p>	<p style="text-align: right;">Page 124</p> <p>1 S. Trende</p> <p>2 map, which is on page 13 of your report.</p> <p>3 (Pause)</p> <p>4 Q Now the 1982 map, what's your</p> <p>5 purpose in presenting this one?</p> <p>6 A So it is the same as the</p> <p>7 previous ones: To show some of the</p> <p>8 continuities in the way maps have been</p> <p>9 drawn. This isn't the state, where they</p> <p>10 kind of use the etch a sketch and erase</p> <p>11 it every 10 years and try to redraw the</p> <p>12 districts.</p> <p>13 This isn't someplace like Ohio</p> <p>14 or Pennsylvania, or Maryland where you</p> <p>15 just get something radically different</p> <p>16 every couple of cycles. It's been kind</p> <p>17 of the same story, obviously things have</p> <p>18 to change. But you still get the same</p> <p>19 basic story every cycle.</p> <p>20 Q Okay. Is it fair to say the</p> <p>21 1982 map like the other previous maps that</p> <p>22 we looked at, the City of Charleston was</p> <p>23 kept together in a single Congressional</p> <p>24 district?</p> <p>25 A You know, I can't tell from</p>
<p style="text-align: right;">Page 123</p> <p>1 S. Trende</p> <p>2 they certainly weren't excluded for any</p> <p>3 reason, like any reason for that.</p> <p>4 It was just kind of, okay, we</p> <p>5 have established the longstanding</p> <p>6 traditions. Let's get to what people</p> <p>7 were mostly interested in, which is</p> <p>8 what's happened in the last few decades.</p> <p>9 Q Okay. Just so I'm -- did you</p> <p>10 consider either the post-Baker v. Carr map</p> <p>11 or the 1970 cycle map for purposes of</p> <p>12 rendering the opinions in your report?</p> <p>13 A I'm sure I created them. But I</p> <p>14 wouldn't have relied upon them in doing</p> <p>15 the map. If they were radically</p> <p>16 different, to protect myself I probably</p> <p>17 would have included them. To not get the</p> <p>18 tag affixed of excluding them.</p> <p>19 Honestly, my recollection is</p> <p>20 that they were just excluded because as</p> <p>21 you were getting at with the previous</p> <p>22 line of questioning, what people were</p> <p>23 probably most interested in is what has</p> <p>24 happened in the last few decades.</p> <p>25 Q Okay. We can turn to your 1982</p>	<p style="text-align: right;">Page 125</p> <p>1 S. Trende</p> <p>2 eyeballing the area. But I am guessing</p> <p>3 that it does look like it was.</p> <p>4 Q Okay. Why don't we move forward</p> <p>5 in 1992. Go to page 14 of your report.</p> <p>6 The 1992 map.</p> <p>7 (Pause)</p> <p>8 Q Now what's your purpose in</p> <p>9 showing the 1992 map?</p> <p>10 A Well, I am showing the history</p> <p>11 of these districts and how they have been</p> <p>12 drawn. And obviously, there are some</p> <p>13 significant differences in this 1992 map,</p> <p>14 at least in the low country areas of</p> <p>15 South Carolina.</p> <p>16 You still have a district like,</p> <p>17 that's in Anderson. You still have a</p> <p>18 district you know, based on combining</p> <p>19 Greenville and Spartanburg.</p> <p>20 And one that's, now it would be</p> <p>21 the Charlotte suburbs. I'm not sure it</p> <p>22 was in 1992. Things get reconfigured,</p> <p>23 obviously, In low country because that</p> <p>24 6th District is transformed into an</p> <p>25 ability to elect district.</p>

<p style="text-align: right;">Page 126</p> <p>1 S. Trende</p> <p>2 I don't know for sure if the</p> <p>3 Bush DOJ was pursuing this state. But I</p> <p>4 know a lot of states in the 1992</p> <p>5 redistricting cycle Bush DOJ was</p> <p>6 pressuring them to draw more ability to</p> <p>7 elect districts. So.</p> <p>8 Q So just in terms of you know,</p> <p>9 what this map does and how it's in</p> <p>10 comparison to the 1982 map. This map</p> <p>11 still keeps City of Charleston in District</p> <p>12 1, right?</p> <p>13 A Yes.</p> <p>14 Q And --</p> <p>15 A I should say it looks that way.</p> <p>16 I can't tell if some of the 6th intrudes</p> <p>17 into the City of Charleston.</p> <p>18 Q And not like the 1982 map but</p> <p>19 some of the earlier maps we saw, Beaufort</p> <p>20 County is in a different district here</p> <p>21 than Charleston, right?</p> <p>22 A Yes.</p> <p>23 Q So moving forward to the 2002</p> <p>24 map, which is page 15 of your report.</p> <p>25 This is the map that was evaluated and the</p>	<p style="text-align: right;">Page 128</p> <p>1 S. Trende</p> <p>2 Q Okay. Turning to the 2012 map</p> <p>3 on page 16, this is the map that was</p> <p>4 evaluated in the Backus case, correct?</p> <p>5 A That's correct.</p> <p>6 Q And this map, like every map we</p> <p>7 have looked at so far keeps the City of</p> <p>8 Charleston together in the First</p> <p>9 Congressional District, right?</p> <p>10 A I think we have some nice</p> <p>11 blowups elsewhere to be able to confirm</p> <p>12 whether that protrusion from the -- and I</p> <p>13 know the protrusion from the 6th goes</p> <p>14 into Charleston County. I don't know</p> <p>15 whether it goes into the City of</p> <p>16 Charleston.</p> <p>17 Q And you don't know one way or</p> <p>18 the other whether City of Charleston was</p> <p>19 split under the benchmark plan?</p> <p>20 A I think we have the split data</p> <p>21 for locales somewhere else; I don't know.</p> <p>22 Q Okay. With regard to the</p> <p>23 enacted plan and the analysis you present</p> <p>24 at the bottom of page 16, you write that</p> <p>25 the enacted plan makes only minor changes</p>
<p style="text-align: right;">Page 127</p> <p>1 S. Trende</p> <p>2 result of a Colleton County case, correct?</p> <p>3 A That's right.</p> <p>4 Q And this map, like some of the</p> <p>5 other maps we've looked at, keeps the City</p> <p>6 of Charleston together in the first</p> <p>7 Congressional District. Do you see that?</p> <p>8 A Again, I can't tell from this</p> <p>9 whether the 6th takes in any of the</p> <p>10 population of City of Charleston.</p> <p>11 Q Okay. Well, like the 1992 map</p> <p>12 and like the some of the historical maps</p> <p>13 we were looking at, can you tell whether</p> <p>14 Beaufort County and Charleston County are</p> <p>15 in the same Congressional district in this</p> <p>16 one?</p> <p>17 A Beaufort and Charleston are not.</p> <p>18 Q The observation you made</p> <p>19 historically is about having a district</p> <p>20 anchored in Beaufort County and the</p> <p>21 counties along the Georgia border, that</p> <p>22 applies to this map, the 2002 map?</p> <p>23 A On this map, yeah. Beaufort is</p> <p>24 kept separate and is combined up with</p> <p>25 Columbia.</p>	<p style="text-align: right;">Page 129</p> <p>1 S. Trende</p> <p>2 to the benchmark plan.</p> <p>3 And I think we have talked about</p> <p>4 some of that. You in this analysis don't</p> <p>5 note that the enacted plan splits the City</p> <p>6 of Charleston between, out of the First</p> <p>7 Congressional District?</p> <p>8 A That's correct.</p> <p>9 Q And your report also doesn't</p> <p>10 discuss that there's a district as there</p> <p>11 had been in the past, anchored in Beaufort</p> <p>12 County and the counties along the Georgia</p> <p>13 border.</p> <p>14 A Which district is that?</p> <p>15 Q Well, it looks to me that this</p> <p>16 map actually splits Beaufort from the</p> <p>17 counties along the Georgia border. Do you</p> <p>18 see that?</p> <p>19 A Yes.</p> <p>20 Q Beaufort is in the First</p> <p>21 Congressional District and the border</p> <p>22 counties, and the Georgia border counties</p> <p>23 look like they are both in 6th and some</p> <p>24 are in 2. Do you see that?</p> <p>25 A Yes.</p>

<p style="text-align: right;">Page 166</p> <p>1 S. Trende</p> <p>2 Q Fair enough. Have you ever seen</p> <p>3 the materials in the A and B zip file?</p> <p>4 A I would be shocked. Like I</p> <p>5 said, I didn't consider alternative maps,</p> <p>6 I wasn't contacted by Adam Kincaid or</p> <p>7 Andrew Fiffick in this matter. I have no</p> <p>8 -- I mean you are asking me about a pig</p> <p>9 in a poke, right?</p> <p>10 I have no idea what A and B are.</p> <p>11 But to my knowledge I don't, I've never</p> <p>12 seen it. If it's one of the documents</p> <p>13 you just showed me, then yeah, I have</p> <p>14 seen it. But I don't know.</p> <p>15 Q You don't know if you have seen</p> <p>16 it?</p> <p>17 A Yeah.</p> <p>18 Q Okay.</p> <p>19 MR. FREEDMAN: Let me just show</p> <p>20 you, this will be the document tab 35.</p> <p>21 We will introduce this as Exhibit 17.</p> <p>22 (Whereupon, email dated 11/24/21</p> <p>23 Bates stamped SC-Senate-00003245</p> <p>24 labeled Tab 35 was marked as Exhibit</p> <p>25 17 for identification, as of this</p>	<p style="text-align: right;">Page 168</p> <p>1 S. Trende</p> <p>2 Q Good. All right. Let's switch</p> <p>3 gears. I am switching gears again. Do</p> <p>4 you need a quick break or you want to?</p> <p>5 (Pause)</p> <p>6 MR. FREEDMAN: Why don't we take</p> <p>7 five.</p> <p>8 THE WITNESS: Okay.</p> <p>9 MR. FREEDMAN: And then I'll</p> <p>10 hopefully be towards the home stretch.</p> <p>11 THE VIDEOGRAPHER: The time is</p> <p>12 2:27 and we are going off the record.</p> <p>13 This is the end of media unit number</p> <p>14 4.</p> <p>15 (Recess taken: 2:25)</p> <p>16 THE VIDEOGRAPHER: The time is</p> <p>17 2:33 and we are back on the record.</p> <p>18 This is the beginning of media unit</p> <p>19 number 5.</p> <p>20 Q Mr. Trende, if you could turn</p> <p>21 to page 24 of your report, Exhibit 2. I</p> <p>22 want to ask you about your analysis of</p> <p>23 Sumter County. First question: Where did</p> <p>24 this analysis come from?</p> <p>25 A So again, it comes from the</p>
<p style="text-align: right;">Page 167</p> <p>1 S. Trende</p> <p>2 date.)</p> <p>3 Q Same initial question: Before</p> <p>4 getting the package of materials of</p> <p>5 potential exhibits for your deposition had</p> <p>6 you seen this document before?</p> <p>7 A No.</p> <p>8 Q This is, for the record, this is</p> <p>9 exhibit 17 has the Bates number</p> <p>10 SC-Senate-00003245. It's another email</p> <p>11 that Andrew Fiffick is forwarding to</p> <p>12 himself, forwarding an email from Adam</p> <p>13 Kincaid, November 24, 2021.</p> <p>14 The attachment to this document</p> <p>15 is a zip file called Jessamine.</p> <p>16 J-e-s-s-a-m-i-n-e. Have you ever seen the</p> <p>17 files in the Jessamine file?</p> <p>18 A Not to my knowledge.</p> <p>19 Q Does the term Jessamine have any</p> <p>20 significance to you?</p> <p>21 A Yes.</p> <p>22 Q What does it, what do you</p> <p>23 understand to be?</p> <p>24 A It's the county in Kentucky</p> <p>25 where my wife's mother is from.</p>	<p style="text-align: right;">Page 169</p> <p>1 S. Trende</p> <p>2 shape files and the data described in the</p> <p>3 opening section of the report and it</p> <p>4 would have been processed in R.</p> <p>5 Q Did any of the analysis you have</p> <p>6 got here concerning Sumter County come</p> <p>7 directly or indirectly from employees or</p> <p>8 members of the South Carolina Legislature?</p> <p>9 A No.</p> <p>10 Q Looking at the map on page 24,</p> <p>11 what is this map?</p> <p>12 A So the black line represents the</p> <p>13 old district lines and then the gray</p> <p>14 shaded area shows the moved precincts or</p> <p>15 portions of precincts that were shifted;</p> <p>16 so you can see the new district lines by</p> <p>17 following the contours of the gray shaded</p> <p>18 areas.</p> <p>19 Q Who came up with this map?</p> <p>20 A I did.</p> <p>21 Q Did you generate it yourself?</p> <p>22 A Yes.</p> <p>23 Q And did the date from this map</p> <p>24 come from the share files?</p> <p>25 A Yes.</p>